REMARKS

1   The finality of the rejection is respectfully traversed. Applicants are

2   entitled to a <u>responsive</u> reply, but this action is not responsive to the

3   previous amendment.

4   The drawings are objected to under 37 CFR 1.83(a). Applicants

5   have made changes to the claims (removing the "and/or") that

6   eliminate the grounds for rejection, but the examiner has persisted

7   in his rejection. The examiner's obligation is to specify why the

8   changes made are insufficient, but he has made no attempt to do

9   so.

10   The objection to the specification under 37 CFR 1.75(d)(1) is

11   respectfully traversed. The same changes to the claims that

12   removed the basis for the objection to the drawings (removing the

13   "and/or") also removed the basis for this objection, but the examiner

14   has not withdrawn the objection or explained why the changes are

15   insufficient.

1   The rejection of the claims under 35 USC 112 is respectfully

2   traversed. The phrase to which the examiner objects: "a first

3   subsystem the does not have data" is not found in any claim.

4   Again, the examiner has not withdrawn the objection or explained

5   why the changes are insufficient.

6   For the foregoing reasons, it is evident that the present office action

7   is not responsive ta the changes in the claims and therefore that it is

8   improper for the rejection to be final.

9   <u>Claim Rejections - 35 USC 102</u>

10   The rejection of claim 18 under 35 USC 102 is respectfully

11   traversed. The claim has been canceled.

12   <u>Claim rejections under 35 USC 103</u>

13   The rejection of claim 19 under 35 USC 103 is respectfully

14   traversed, since the claim has been canceled.

1   The rejection of claims 1, 3, 5-6, 10, 12-14, 17, 21, 23 - 24, 26, 28-

2   29 under 35 USC 103 is respectfully traversed.

3   Applicants maintain that the two references do not combine to meet

4   the present claims.

5   Applicants readily agree that the concept of activation is well known.

6   The concept is broad, however, and Wollrath is dealing with an

7   instance in which existing programs (objects, etc,) are turned off or

8   on in response to the activation token (page 2, first paragraph) in

9   order to conserve system resources, not for security.

10   Wollrath, in the right column of page 8 cited by the examiner,

11   specifies that "These tokens must supply the following information:

12   a unique identifier for the object, the address of the objects

13   activator, the executable file name of the server program, - ", etc.

14   In other words, Wollrath's system is one in which: a) the properties

15   of the various objects are known to the subsystem that transmits

16   activation tokens; and b) the danger of revealing properties of the

17   objects to a third party is not a concern. In particular, the first

1   subsystem must know the address of the object's activator, which is

2   unique to each system.

3   This requirement distinguishes Wollrath's teaching from that

4   required by the claims, in which security is the purpose of the

5   activity, so that the provider transmits at least two sets of

6   parameters to its customers without an indication being transmitted

7   to tell the customer which data to use; (i.e. naming characteristics

8   does not include the identity of customer subsystems having a

9   particular set of characteristics).

10   As discussed on page 5, the provider transmits general data that is

11   interpreted by the customer, so that an observer will not be able to

12   deduce the system parameters of the customer.

13   Applicants maintain that this approach is contrary to that of

14   Wollrath, in that it is relatively inefficient by forcing the individual

15   customer systems to make a decision that could be more efficiently

16   done at the central provider location,

1   Norton teaches an updating system that is not concerned with

2   system characteristics, i.e. modifying the system code, but rather

3   supplies data to a data file.

4   Applicants maintain that the term "system characteristics" as used

5   in the specification and claims has the conventional meaning of

6   aspects of the system code that enable the system to perform

7   various functions, e,g, performing word processing functions and

8   also performing spreadsheet operations, depending on which of

9   various code modules are loaded in that particular system.

10   In contrast, Norton deals with updating data, which is not thought of

11   as a system characteristic. For example, if a word processor

12   receives an update to its dictionary, that would not be considered by

13   those skilled in the art as a system characteristic.

14   If the same word processor receives code implementing a

15   spreadsheet, which was not previously present in that model of the

16   word processor, that addition would be thought of as a change to

17   the system characteristics, since it enables a new function. In

18   contrast, the addition of new words to the dictionary does not enable

19   a new function, but increases the scope of an old function.

1   The Norton example resembles the illustration of updating the

2   dictionary, since it merely adds some new viruses to the ones that

3   were previously recognized. The system characteristic is the same

4   - recognizing viruses and dealing with them. The only change is

5   that the number of viruses recognized is increased.

6   The examiner has ingeniously attempted to add a time aspect to the

7   concept of system characteristic; i.e. a new virus definition that has

8   been added previously is not now needed, so that the virus

9   definition is not now relevant. Applicants maintain that this attempt

10 is not valid because blocking the new virus was and is still relevant;

11 i.e. even if a virus definition is taken to be a system characteristic,

12 the examiner's example fails to meet the relevance test.

13 Neither the Wollrath reference nor the Norton reference has this

14 concept of relevance of data changing in time. The examiner has

15 made it up using hindsight.

16 In addition, the Norton example fails the requirement that the

17 naming of systemcharacteristics determines whether the token is

18 relevant. The user receives a different update dependenig on

19 whether he has Windows 95 or 98; i.e. a cracker can tell by the date

1   of the update which version of Windows (and thus which version of

2   Norton) the customer has.

3   In addition, the claims do not contain this time-dependent notion of

4   relevance.

1   For the foregoing reasons, allowance of the claims is

2   respectfully solicited.

3   Respectfully submitted,
4

5
6
7   by: Eric W. Petraske, Attorney
8   Registration No. 28,459
9   Tel. (203) 798-1857